UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,195	11/13/2001	Srinivas Gutta	US010575	3005

24737 7590 09/01/2004		EXAMINER
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510		YOUNG, JOHN L

ART UNIT	PAPER NUMBER
3622	

DATE MAILED: 09/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _28 July 2004_.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-21_ is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) _1-21_ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a)☐ All b)☐ Some * c)☐ None of:
   1.☐ Certified copies of the priority documents have been received.
   2.☐ Certified copies of the priority documents have been received in Application No. _____.
   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

JOHN LEONARD YOUNG, ESQ.
PRIMARY EXAMINER

Attachment(s)
1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

NON-FINAL OFFICE ACTION REJECTION

(PAPER # 8/23/2004)

DRAWINGS

1.   This application has been filed with drawings that are considered informal; however, said

drawings are acceptable for examination and publication purposes. The review process for

drawings that are included with applications on filing has been modified in view of the new

requirement to publish applications at eighteen months after the filing date of applications, or any

priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

STATUS

2.   Claims 1-21 are pending.

CLAIM REJECTIONS — 35 U.S.C. §101

3.   **Rejections Withdrawn.**

CLAIM REJECTIONS — 35 U.S.C. §103(a)

The text of those sections of Title 35, U.S. Code not included in this action can be found in a

prior Office action.

4.   Claims 1-21 are rejected under 35 U.S.C. §103(a) as being obvious over <u>Herz</u>

5,754,939 (5/19/1998) (herein referred to as "<u>Herz</u>").

As per independent claim 1, <u>Herz</u> (the ABSTRACT; FIG. 1; FIG. 5; FIG. 10;

FIG. 12; FIG. 13A; FIG. 13B; FIG. 15; FIG. 16; col. 7, ll. 10-46; col. 22, ll. 65-67; col.

23, ll. 1-13; col. 23, ll. 13-30; col. 24, ll. 5-10; col. 26, ll. 43-67; col. 27, ll. 1-67; col. 27,

ll. 10-20; col. 29, ll. 41-67; col. 30, ll. 1-15; col. 33, ll. 60-67; col. 34, ll. 1-20; col. 37, ll.

7-67; col. 47, ll. 65-67; col. 48, ll. 1-10; and col. 49, ll. 60-67; and whole document)

implicitly shows: "A method for updating a user profile indicating preferences of a user,

comprising executing the following operations in a data processing device: obtaining a

third party selection history indicating items that are selected by at least one third party;

partitioning said third party selection history into clusters of items; receiving a selection

from said user of at least one of said clusters; and updating said user profile with items

form said at least one selected cluster."

<u>Herz</u> (the ABSTRACT) discloses: *"The system . . . evaluates the target profiles*

against the user's target profile interest summaries to generate a user-customized rank

ordered listing of target objects most likely to be of interest to each user so that the user

can select form among these potentially relevant target objects, which were automatically

selected by this system form the plethora of target objects that are profiled on the

electronic media. " The Examiner interprets this disclosure as showing "a third party

selection history indicating items that are selected by at least one third party. . . ."

Herz (FIG. 5) discloses: *"CALCULATE DOCUMENT PROFILES"; "CLUSTER DOCUMENTS INTO A HIERACHICAL CLUSTER"; GENERATE MENUS FROM CLUSTER STRUCTURE . . . ."* The Examiner interprets this disclosure as showing "a third party selection history indicating items that are selected by at least one third party. . . ."

Herz lacks explicit recitation of "obtaining a third party selection history indicating items that are selected by at least one third party; partitioning said third party selection history into clusters of items; receiving a selection from said user of at least one of said clusters. . . ."

It would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure of Herz (the ABSTRACT; FIG. 5; and FIG. 16) implicitly shows "obtaining a third party selection history indicating items that are selected by at least one third party; partitioning said third party selection history into clusters of items; receiving a selection from said user of at least one of said clusters. . . ."; and it would have been obvious to modify and interpret the disclosure of Herz cited above as showing "obtaining a third party selection history indicating items that are selected by at least one third party; partitioning said third party selection history into clusters of items; receiving a selection from said user of at least one of said clusters. . . ."; because modification and interpretation of the cited disclosure of Herz would have provided a system/method which *"enables a user to access target objects of relevance and interest*

to the user without requiring the user to expend an excessive amount of time and

energy. . . ." (see Herz (col. 4, ll. 35-47)) based on the motivation to modify Herz so as

to *"automatically [construct] both a target profile for each target object in the*

electronic media based, for example, on the frequency with which each word appears I an

article relative to its overall frequency of use in all articles, as well as a 'target profile

interest summary' for each user, which target profile interest summary describes the

user's interest level in various types of target objects. . . ." (See Herz (col. 5, ll. 5-20)).

As per dependent claim 2, Herz shows the method of claim 1.

Herz (col. 5, ll. 1-50) shows "recommending items based on said user profile."

Herz lacks explicit recitation of "recommending items based on said user profile."

It would have been obvious to modify and interpret the disclosure of Herz cited

above as showing "recommending items based on said user profile. . . ."; because

modification and interpretation of the cited disclosure of Herz would have provided a

system/method which *"enables a user to access target objects of relevance and interest*

to the user without requiring the user to expend an excessive amount of time and

energy. . . ." (see Herz (col. 4, ll. 35-47)) based on the motivation to modify Herz so as

to *"automatically [construct] both a target profile for each target object in the*

electronic media based, for example, on the frequency with which each word appears I an

article relative to its overall frequency of use in all articles, as well as a 'target profile

interest summary' for each user, which target profile interest summary describes the

user's interest level in various types of target objects. . . ." (See <u>Herz</u> (col. 5, ll. 5-20)).

As per dependent claim 3-4, <u>Herz</u> shows the method of claim 1 and subsequent

base claims depending form claim 1.

<u>Herz</u> (the ABSTRACT; FIG. 5; and FIG. 16) implicitly shows "assigning a label to

each of said clusters. . . ." and "users selects said at least one cluster based on said

assigned labels."

<u>Herz</u> lacks explicit recitation of "assigning a label to each of said clusters. . . ."

and "users selects said at least one cluster based on said assigned labels."

It would have been obvious to modify and interpret the disclosure of <u>Herz</u> cited

above as showing "assigning a label to each of said clusters. . . ." and "users selects said at

least one cluster based on said assigned labels. . . ."; because modification and

interpretation of the cited disclosure of <u>Herz</u> would have provided a system/method

which *"enables a user to access target objects of relevance and interest to the user*

without requiring the user to expend an excessive amount of time and energy. . . ."

(see <u>Herz</u> (col. 4, ll. 35-47)) based on the motivation to modify <u>Herz</u> so as to

"automatically [construct] both a target profile for each target object in the electronic

media based, for example, on the frequency with which each word appears I an article

relative to its overall frequency of use in all articles, as well as a 'target profile interest

summary' for each user, which target profile interest summary describes the user's

interest level in various types of target objects. . . . " (See <u>Herz</u> (col. 5, ll. 5-20)).

As per dependent claim 5, <u>Herz</u> shows the method of claim 1.

<u>Herz</u> (col. 22, ll. 65-67; col. 23, ll. 1-30; col. 24, ll. 5-10; col. 27, ll. 10-20; and

col. 49, ll. 60-67) implicitly shows "partitioning further comprises employing a k-means

clustering routine."

<u>Herz</u> lacks explicit recitation of "partitioning further comprises employing a k-

means clustering routine."

It would have been obvious to modify and interpret the disclosure of <u>Herz</u> cited

above as showing "partitioning further comprises employing a k-means clustering

routine. . . ."; because modification and interpretation of the cited disclosure of <u>Herz</u>

would have provided a system/method which *"enables a user to access target objects of*

relevance and interest to the user without requiring the user to expend an excessive

amount of time and energy. . . . " (see <u>Herz</u> (col. 4, ll. 35-47)) based on the motivation to

modify <u>Herz</u> so as to *"automatically [construct] both a target profile for each target*

object in the electronic media based, for example, on the frequency with which each word

appears I an article relative to its overall frequency of use in all articles, as well as a

'target profile interest summary' for each user, which target profile interest summary

describes the user's interest level in various types of target objects. . . ." (See <u>Herz</u> (col.

5, ll. 5-20)).

As per dependent claims 6-9, <u>Herz</u> shows the method of claim 1.

<u>Herz</u> (the ABSTRACT; FIG. 1; FIG. 5; FIG. 10; FIG. 12; FIG. 13A; FIG. 13B;

FIG. 15; FIG. 16; col. 7, ll. 10-46; col. 22, ll. 65-67; col. 23, ll. 1-13; col. 23, ll. 13-30;

col. 24, ll. 5-10; col. 26, ll. 43-67; col. 27, ll. 1-67; col. 27, ll. 10-20; col. 29, ll. 41-67; col.

30, ll. 1-15; col. 33, ll. 60-67; col. 34, ll. 1-20; col. 37, ll. 7-67; col. 47, ll. 65-67; col. 48,

ll. 1-10; and col. 49, ll. 60-67; and whole document) implicitly shows all the elements and

limitations of claims 6-9.

<u>Herz</u> lacks explicit recitation of some of the elements and limitations of claims 6-9.

"Official Notice" is taken that both the concepts and the advantages of all of the

elements and limitations of claims 6-9 were well known and expected in the art by one of

ordinary skill at the time of the invention, because it would have been obvious at the time

the invention was made to a person having ordinary skill in the art that the disclosure of

<u>Herz</u> cited above implicitly shows all of the elements of claims 6-9; and it would have been

obvious to modify and interpret the disclosure of <u>Herz</u> cited above as showing all of the

elements and limitations of claims 6-9, because modification and interpretation of the cited

disclosure of <u>Herz</u> would have provided a system/method which *"enables a user to*

access target objects of relevance and interest to the user without requiring the user

to expend an excessive amount of time and energy. . . . " (see <u>Herz</u> (col. 4, ll. 35-47))

based on the motivation to modify <u>Herz</u> so as to *"automatically [construct] both a*

target profile for each target object in the electronic media based, for example, on the

frequency with which each word appears I an article relative to its overall frequency of

use in all articles, as well as a 'target profile interest summary' for each user, which

target profile interest summary describes the user's interest level in various types of

target objects. . . . " (See <u>Herz</u> (col. 5, ll. 5-20)).

Independent claim 10 is rejected for substantially the same reasons as independent

claim 1.

Dependent claim 11 is rejected for substantially the same reasons as dependent

claim 3.

As per dependent claims 12-17, <u>Herz</u> shows the method of claim 10 and

subsequent base claims depending from claim 10.

<u>Herz</u> (the ABSTRACT; FIG. 1; FIG. 5; FIG. 10; FIG. 12; FIG. 13A; FIG. 13B;

FIG. 15; FIG. 16; col. 7, ll. 10-46; col. 22, ll. 65-67; col. 23, ll. 1-13; col. 23, ll. 13-30;

col. 24, ll. 5-10; col. 26, ll. 43-67; col. 27, ll. 1-67; col. 27, ll. 10-20; col. 29, ll. 41-67; col.

30, ll. 1-15; col. 33, ll. 60-67; col. 34, ll. 1-20; col. 37, ll. 7-67; col. 47, ll. 65-67; col. 48,

ll. 1-10; and col. 49, ll. 60-67; and whole document) implicitly shows all the elements and limitations of claims 12-17.

Herz lacks explicit recitation of some of the elements and limitations of claims 12-17.

"Official Notice" is taken that both the concepts and the advantages of all of the elements and limitations of claims 12-17 were well known and expected in the art by one of ordinary skill at the time of the invention, because it would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure of Herz cited above implicitly shows all of the elements of claims 12-17; and it would have been obvious to modify and interpret the disclosure of Herz cited above as showing all of the elements and limitations of claims 12-17, because modification and interpretation of the cited disclosure of Herz would have provided a system/method which *"enables a user to access target objects of relevance and interest to the user without requiring the user to expend an excessive amount of time and energy. . . ."* (see Herz (col. 4, ll. 35-47)) based on the motivation to modify Herz so as to *"automatically [construct] both a target profile for each target object in the electronic media based, for example, on the frequency with which each word appears I an article relative to its overall frequency of use in all articles, as well as a 'target profile interest summary' for each user, which target profile interest summary describes the user's interest level in various types of target objects. . . ."* (See Herz (col. 5, ll. 5-20)).

Independent claim 18 is rejected for the same reasons as independent claim 1.

Independent claim 19 is rejected for substantially the same reasons as independent claim 10.

Independent claim 20 is rejected for substantially the same reasons as independent claim 1.

Independent claim 21 is rejected for substantially the same reasons as independent claim 1.

RESPONSE TO ARGUMENTS

5.   Applicant's arguments (paper filed 7/28/2004) have been considered but are not persuasive for the following reasons:

Applicant's arguments are moot based on new grounds of rejection presented in this Office action.

CONCLUSION

6.   Any response to this action should be mailed to:

> Commissioner for Patents
> P. O. Box 1450
> Alexandria, VA 22313-1450

Any response to this action may be sent via facsimile to either:

(703)305-7687 (for formal communications EXPEDITED PROCEDURE) or

(703) 305-7687 (for formal communications marked AFTER-FINAL) or

(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

> Hand delivered responses may be brought to:

> Seventh Floor Receptionist
> Crystal Park V
> 2451 Crystal Drive
> Arlington, Virginia.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to John L. Young who may be reached via telephone at (703)

305-3801. The examiner can normally be reached Monday through Friday between 8:30

A.M. and 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Eric Stamber, may be reached at (703) 305-8469.

Art Unit: 3622

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the Group receptionist whose telephone number is (703)

305-3900.

JOHN LEONARD YOUNG, Esq
PRIMARY EXAMINER

John L. Young

Primary Patent Examiner

August 23, 2004